

January 5, 2013

Mr. Darrick Moe
Western Area Power Administration
Desert Southwest Regional Manager
P.O. Box 6457
Phoenix, Arizona 85005-6457

Dear Mr. Moe:

The following comments are submitted regarding the Western Area Power Administration's (Western) notice of proposed power marketing criteria for the Boulder Canyon Project. The notice was published at 77 Fed. Reg. 65681 (Oct 30, 2012). The comments are submitted on behalf of the San Luis Rey Indian Water Authority (Indian Water Authority), consisting of the following five tribal entities:

La Jolla Band of Mission Indians
Pauma Band of Mission Indians
San Pasqual Band of Mission Indians

Pala Band of Mission Indians
Rincon Band of Mission Indians

The Indian Water Authority is a permanent intertribal entity established pursuant to duly adopted tribal ordinances. The power of the Indian Water Authority to act for the five Indian Bands that established it is recognized and approved by Section 107 of the San Luis Rey Indian Water Rights Settlement Act. All of the entities are located in northern San Diego County, California, within the marketing area for Boulder Canyon power referred to in 74 Fed. Reg. 60256.

The Indian Water Authority appreciated the information received at the November 2012 public information forums and supports the general marketing criteria and eligibility criteria contained in the October 30, 2012 Federal Register Notice. The Indian Water Authority provides the following comments on issues presented at the information forums:

- 1) the allocation of the resource pool between the states of Arizona, Nevada, and California;
- 2) priority consideration for Native American tribes;
- 3) length of remarketing schedule; and
- 4) excess energy provisions.

Allocation of resource pool between the three states

The Hoover Power Allocation Act (HPAA) of 2011 created a five percent resource pool that was made up of equal contributions from entities in each of the three states. The HPAA allocated

11,510 kilowatts to each state and 69,170 kilowatts to the Secretary of Energy for further distribution to entities within those states. The Secretary of Energy's resource pool allocations should be made in the same proportion as the resource pool contributions to keep the allocation of Hoover power in the same one-third proportion between the three states. This also conforms to the intent of the HPAA when it allocated 11,510 kilowatts to each state.

Priority consideration for Native American Tribes

The Indian Water Authority supports the proposed priority for the Hoover allocations and believes that the allocations should meet the peak tribal demand requirement before allocations are made to the next priority. Because of the low capacity factor of the Hoover allocations, meeting the peak demand requirement will mean that about half of the tribal energy requirement will be met. Tribes will still need to procure the remaining energy requirement from other sources to meet their total energy demand.

Length of the remarketing schedule

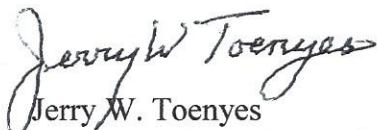
The Indian Water Authority believes the proposed schedule for the remarketing milestone goals should be shortened, particularly the time between the proposed and final allocations, to allow tribes more time to reach contractual arrangements for the beneficial delivery of Hoover power to their communities. Negotiations for the delivery of Federal power can be complicated, particularly in California, and completing the final allocations sooner than the summer of 2014 would be very beneficial for the Indian Water Authority as well as to other potential tribal recipients of power from the Boulder Canyon Project.

Excess Energy Provisions

The HPAA defined Schedule C excess energy provisions but Western has not provided any detail regarding the procedure that will be used to account for the excess energy. The Indian Water Authority requests that the formula for determining and allocating excess energy be explained in written procedures during the allocation process.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in cursive script that reads "Jerry W. Toenyes".

Jerry W. Toenyes

For the San Luis Rey Indian Water Authority